

CASE NO. 08cv3131

ATTACHMENT NO. 7

EXHIBIT C - part 4

TAB (DESCRIPTION) _____

1 any criticisms of him pursuing you and trying to
2 take you under control, would you, based on that
3 information?

4 A. No, sir, but he could have done it in a
5 nicer fashion, a proper fashion instead of the way
6 he did take it.

7 Q. What should he have done that would have
8 stopped you from running and getting away from the
9 situation?

10 A. What I mean by that is when he finally did
11 take me down, he didn't need to keep hitting me.
12 And that's it.

13 Q. Okay. But other than -- how was he
14 supposed to stop you?

15 A. I --

16 Q. Sounds like --

17 MR. FITZSIMMONS: I'm going object to the
18 question. It calls for him to kind of speculate as
19 to all kind of police training.

20 MR. KOEHLER: I want to know what his
21 expectations are. I don't need any police
22 training.

23 BY MR. KOEHLER:

24 Q. Just what were your expectations at that

1 point? What would have stopped you?

2 A. What would have stopped me? Well, I lost
3 my shoe and my other shoe was untied, so that's
4 what stopped me. I couldn't keep running, so . . .

5 Q. But you said Officer Kimble could have
6 done things different.

7 A. What he could have done different is when
8 he finally did get me he didn't need to keep
9 hitting me.

10 Q. Okay. And the reason is because you
11 weren't resisting arrest, right?

12 A. I was not resisting arrest. Never
13 resisted arrest one time.

14 Q. And you certainly understand the
15 difference between resisting arrest and not
16 resisting arrest, right?

17 A. Running from the police is resisting, but
18 at the time I believed that he wasn't a police
19 officer. I didn't know what he was. I just
20 thought he was all part of it. Running from the
21 police is resisting arrest, but I never resisted
22 him at one time.

23 Q. Great. . . .

24 When did Officer Collins come on the scene

1 as far as you know?

2 A. He came on the scene. We turned on
3 Garland Court back onto Randolph. We're walking
4 towards Michigan Avenue. That's when he came onto
5 the scene.

6 Q. Okay.

7 MR. FITZSIMMONS: And by Officer Collins you
8 mean the sergeant.

9 MR. KOEHLER: Yes. You got him named in the
10 complaint.

11 BY MR. KOEHLER:

12 Q. When did you first realize -- come to
13 realize Officer Kimble was a police officer of any
14 sort?

15 A. I was cuffed.

16 Q. At no time prior to being handcuffed did
17 you understand that he was a police officer; is
18 that fair?

19 A. Well, when I was running and he took me
20 down to the ground, he had a uniform on and a
21 baton, so . . .

22 Q. So the baton --

23 A. Not many people dress up as police
24 officers and fake it. Maybe they do, but I don't

192

1 know.

2 Q. So at the time that -- the baton indicated
3 to you that he was likely a police officer?

4 A. No, sir.

5 Q. What indicated to you that he was likely a
6 police officer, after you were cuffed?

7 A. Yes, sir.

8 Q. All right. Up until the point of being
9 cuffed you presumed that he was part of this group
10 trying to kill you?

11 A. Yes, sir.

12 Q. All right. And that would for your
13 purposes justify why you were trying to get away
14 from Officer Kimble up to the point of being
15 handcuffed, right?

16 A. Yes, sir.

17 Q. All right. You referenced that your
18 handcuffs were painful or you sustained injuries to
19 your wrists. Did you receive any medical treatment
20 or have anything with your wrists?

21 A. I do not recall.

22 Q. Did you take any photographs of your
23 wrists?

24 A. I do not recall.

1 Q. Okay.

2 MR. FITZSIMMONS: You know, let the record
3 reflect that any photographs that were taken have
4 already been turned over to Miss Rosen.

5 MR. KOEHLER: I got them and --

6 MR. FITZSIMMONS: If there's copies -- if there
7 are no photographs of wrists included, then there
8 weren't any taken.

9 MR. KOEHLER: Well, what we have when I looked
10 at it is we don't have all the photographs. There
11 are on the roll that shows 24 photographs, and on
12 the back there's like 20, 23, 19. We don't have
13 all the photographs in that roll. So if you
14 could --

15 MR. FITZSIMMONS: Do you have photographs that
16 are in consecutive order?

17 MR. KOEHLER: No. We don't have all the photos
18 from that roll.

19 MR. FITZSIMMONS: I'll look into it.

20 MR. KOEHLER: Look into it because obviously we
21 would be entitled to all the photographs.

22 MR. FITZSIMMONS: No problem.

23 MR. KOEHLER: As soon as I get done with this, --
24 I'll go through the photographs so we can get some

1 foundation.

2 BY MR. KOEHLER:

3 Q. Officer Collins I think you talked about
4 pretty clearly in your prior deposition, you had an
5 interaction with Officer Collins and
6 Officer Kimble, right?

7 A. Yes, sir.

8 Q. All right. I think what you told us
9 somewhere along the line Kimble hit you in the face
10 with a closed fist two or three times?

11 A. I never said that.

12 Q. I thought in your testimony you said
13 officer -- did I say Kimble?

14 What I have down is Officer Collins asked
15 you have on two occasions at two separate locations
16 if you like hitting black people, both times he
17 responded by punching you in the face?

18 A. Yes, sir.

19 Q. Closed fist?

20 A. Yes, sir.

21 Q. Did he hit you a third time?

22 A. I do not recall.

23 Q. All right. Kimble also according to your
24 sworn testimony punched you twice in the face?

195

1 A. I said -- I swore to it?

2 Q. Yeah.

3 A. Because if I said that last time, then
4 that's the answer.

5 Q. So your face was hit four times?

6 A. Two and two would make four, so yes.

7 Q. All right. And there were photographs
8 taken at the Metra police station, right?

9 A. I don't -- I do not recall. We'll mark
10 that.

11 MR. KOEHLER: Joe do you have a copy of that
12 photo?

13 MR. FITZSIMMONS: I don't believe I do.

14 MS. ROSEN: Here, this one.

15 MR. KOEHLER: All right we're going to mark
16 that as Exhibit 2.

17 (Whereupon, Granberg Deposition
18 Exhibit No. 2 was marked for
19 identification.)

20 BY MR. KOEHLER:

21 Q. All right. We've handed you what we
22 marked as Exhibit 2. Do you recognize the guy in
23 that photograph?

24 A. Yes, sir.

1 Q. All right. That's you, right?

2 A. Yes, sir.

3 Q. Your name is Matthew Granberg. Date of
4 birth is accurate?

5 A. No, sir.

6 Q. The date of birth given here is off your
7 fake ID, correct?

8 A. Correct.

9 Q. All right. So you tendered your face ID
10 to the Metra police officers? Must have, right?

11 A. Whatever was in my pockets, yes.

12 Q. All right. That's not your true birth
13 date, right? You were born in '87, right?

14 A. Yes.

15 Q. And 85 puts you at 21?

16 A. Well, the math, 85, 21, yes. Yes, sir.

17 Q. Okay. The offense says battery and
18 resisting a peace officer, right?

19 A. Yes, sir.

20 Q. All right. You'll agree with me there was
21 a point you were resisting Officer Kimble until the
22 point that he -- and you realized he was a police
23 officer, right? We talked about that?

24 A. Yes, but at the time --

1 Q. You didn't know?

2 A. I didn't know.

3 Q. I understand.

4 But in terms of resisting him whether you
5 knew it or not, he was a police officer and you
6 were resisting him, fair enough?

7 A. Yes, sir.

8 Q. The date's right. 22:44 hours comes out
9 to about 10:44, right?

10 A. Yes, sir.

11 Q. And this was taken back at the Metra
12 station, right?

13 A. Yes, sir.

14 Q. All right. And at this point you had been
15 punched in the face according to your testimony at
16 least twice and up to four times?

17 A. Yes, sir.

18 Q. Okay. Can you show me on your face where
19 you were hit?

20 A. On both sides I was hit here, and I was
21 hit here.

22 Q. Twice?

23 A. The first time he hit me there and then I
24 was here. Kimble hit me. Collins hit me, boom,

1 boom.

2 Q. All right. So this picture you agree
3 truly and accurately depicts your face as it looked
4 on the evening of August 30, 2007, and after both
5 Kimble and Collins had punched you?

6 A. Yes, sir.

7 Q. All right. Very good.

8 Officer Geanes never struck you, correct?

9 A. Yes, sir.

10 Q. That's true?

11 A. Correct.

12 Q. All right. He didn't handcuff you,
13 correct?

14 A. Correct.

15 Q. He didn't arrest you, correct?

16 A. Correct.

17 Q. All right. He didn't cuff you in the
18 holding cell, correct?

19 A. Correct.

20 Q. And he never physically touched you,
21 correct?

22 A. Correct.

23 Q. And the reasons for your medical treatment
24 at Swedish Covenant Hospital was not the result of

199

1 any conduct of Officer Geanes, correct? You
2 sought --

3 MR. FITZSIMMONS: I'm going to object to that
4 question. It calls for him to draw a legal
5 conclusion. I'm going to direct him not to answer.

6 MR. KOEHLER: I'm not asking for a legal
7 conclusion.

8 BY MR. KOEHLER:

9 Q. You sought m medical treatment at Swedish
10 Covenant Hospital the next day, correct?

11 A. Yes, sir.

12 Q. And those were for injuries you sustained
13 on August 30, 2007, right?

14 A. Yes, sir.

15 Q. It's your testimony that those injuries
16 were sustained as a result of Officer Collins and
17 Officer Kimble, correct?

18 A. Yes, sir.

19 Q. They were not caused by Officer Geanes ?

20 A. Yes, sir..

21 Q. All right. That's correct?

22 A. Yes, sir. Correct.

23 Q. All right. Debra-Coleman was back at the
24 police station, also, correct?

1 A. Yes, sir.

2 Q. Okay. And you could hear her voice
3 outside the holding cell you were in?

4 A. Yes, sir.

5 Q. Okay. And at that time I think you
6 testified earlier, Matt, that the paramedics showed
7 up and were giving her treatment as best as you
8 could figure?

9 A. Yes, sir.

10 Q. At any point did you advise any of the
11 Metra police officers, either Officer Kimble,
12 Officer Collins or Officer Geanes, that your dad
13 was a member of the Chicago Police Department?

14 A. No, sir.

15 Q. Why not?

16 A. Even if he was, what is that going to do?

17 Q. Well, you're with police officers, right,
18 that according to your testimony are physically
19 hurting you, correct?

20 A. Yes, sir.

21 Q. All right. Did you not think it would be
22 important to let them know that your father himself
23 is a police officer, and that they were, okay,
24 physically harming a police officer's son?

1 A. At the time I believed that they would hit
2 me harder.

3 Q. Why?

4 A. Because I was -- well, first they hit me
5 because I was white. Second, I'm the son of a
6 police officer, so they probably be thinking I
7 could get away with anything and hit me harder.

8 Q. Okay. Let's back up. Why do you think
9 they were hitting you because you were white versus
10 because you had resisted arrest? How do you draw
11 that distinction?

12 A. I said it in my last deposition. They
13 said, you like hitting on black people, okay. So
14 why wouldn't that matter then to me that . . .

15 Q. I'm just trying to understand your side of
16 this, okay. Based on your testimony Officer
17 Collins said, so you like hitting black people,
18 right? How do you draw from that that the reason
19 he hit you according to your testimony is because
20 you were white and that had you been black he
21 wouldn't have hit you?

22 A. Why would he say to a black person, you
23 like hitting on black people. Why would he say --
24 that? That's like a white cop saying, you like

202

1 hitting on white people. It's obvious.

2 Q. Is it your testimony that had you been
3 black and had the same incident that
4 Officer Collins would not have hit you?

5 A. He would not have said, do you like
6 hitting on black people. I don't know if he would
7 have hit me.

8 Q. But that's my question to you. You
9 testified, you said, Jay, he hit me because I was
10 white.

11 A. Yes.

12 Q. And I felt that if I told him my father
13 was a police officer they would have hit me harder?

14 A. Hit me more times, yes.

15 Q. So I'm breaking that down. If you were
16 black and the same incident happened, is it your
17 testimony that you believe Officer Collins would
18 not have hit you?

19 A. Can I tell you what he --

20 Q. You don't know?

21 A. I was never in that position. I know for
22 a fact that he would never have said that to a
23 black person, you like hitting on black people.

24 Q. He may have not have said part about

1 hitting black people, but he still may have hit
2 you, fair enough?

3 A. He's wrong for hitting.

4 Q. No doubt. But what you said was you said
5 he hit you because you were white, and I'm trying
6 to understand the bases for that.

7 A. Yes, sir.

8 Q. I understand that if you were black he may
9 have not said, do you like hitting black people;
10 but is it fair to say you don't know whether he hit
11 you because you were white, black or purple?

12 A. He hit me because I was white.

13 Q. How do you know that?

14 A. He made the exact -- he made the comment,
15 you like hitting on black people, and I am white.
16 It's obvious that he was treating me like I was
17 racist.

18 Q. You drew the conclusion that the reason
19 that he supposedly hit you was because you were
20 white. That's your conclusion?

21 A. And that's the right conclusion.

22 Q. Well, that's for somebody else to decide,
23 not you and I. That's your conclusion. I
24 understand that.

1 Officer Geanes did not hit you, right?

2 A. As I answered before, yes, he never hit
3 me.

4 Q. Did he not hit you because you were white?

5 A. I don't -- maybe he's a nice guy. Maybe
6 he's a soft guy and feels, this gentleman's cuffed
7 and already not doing anything, why would I hit
8 him. Maybe he's not racist.

9 Q. Okay. All right. The second part, Matt,
10 you said that you -- the reason you didn't tell any
11 of the officers that your dad was a member of the
12 police department, you believe they would have
13 concluded that you get away with anything and they
14 would have hit you more?

15 A. Yes, sir.

16 Q. You did not think that had you advised
17 them that, hey, you're hitting a fellow officer's
18 son that maybe the events would have changed?

19 A. Even if -- it doesn't matter if I was the
20 president's son, why does me being a police
21 officer's son mean anything? That has nothing to
22 do with it. That has nothing to do with my saying
23 my dad's a cop. Why would I say that? What is
24 that going to do?

205

1 Q. I would think fellow police officers would
2 probably pull off knowing that your dad's a cop. I
3 would hope so.

4 A. Well, it was a little too late for that.
5 By the time they -- they didn't want to hear
6 anything I had to say.

7 Q. When the Chicago police officers showed
8 up --

9 A. Yes, sir.

10 Q. I think you said in your deposition that
11 they were laughing while Officer Collins came in
12 and punched you one more time in the cell?

13 A. He never punched me.

14 Q. Officer Collins?

15 A. I never said he punched me while I was in
16 the cell. He threw me down.

17 Q. He threw you down, right. He threw you
18 when you asked to go to the washroom, right?

19 A. Yes, sir.

20 Q. Wasn't there a bathroom in the cell you
21 were in?

22 A. I didn't ask him to use the washroom. I
23 turned around and said -- kicked the door with my
24 one foot that was not cuffed and said, I want to

206

1 talk to the real police. He said, this is my
2 house, bitch. Threw me down. The toilet was back
3 there. My ankle was cuffed. I fell back. That's
4 when my pants ripped. It's a wonder I didn't hit
5 my head on the toilet. And that's what happened.
6 They closed door, and then I laid there.

7 Q. Okay. Are you critical of the Chicago
8 Police Department's inaction? I think you
9 testified in your earlier dep they saw what
10 happened there?

11 A. Yes.

12 Q. Are you critical of those two police
13 officers for not doing anything?

14 A. Yes, sir.

15 Q. Okay. Did you file a complaint with the
16 Chicago Police Department?

17 MR. FITZSIMMONS: He's not allowed to discuss
18 anything about that aspect of it. It goes into
19 attorney/client privilege. Can't answer that
20 question.

21 MR. KOEHLER: I'm not asking any communications
22 with you. I'm just asking whether a complaint was
23 filed with the Chicago Police Department.

24 MR. FITZSIMMONS: We'll stipulate that a

1 complaint was not filed, and anything further
2 intrudes on attorney/client privilege.

3 MR. KOEHLER: Joe, I'm not asking anything
4 about your discussion with him at all, but I want
5 to know if that complaint was filed. You're
6 stipulating there wasn't one.

7 MR. FITZSIMMONS: We're stipulating there
8 wasn't one.

9 BY MR. KOEHLER:

10 Q. Did you advise your dad that police
11 officers showed up during this event and didn't do
12 anything?

13 A. I don't recall.

14 Q. Why didn't you holler out to the Chicago
15 police officers, hey, my dad is a Chicago police
16 officer, help me here. They've punched you four
17 times in the face. They've jacked you. I mean, at
18 this point why didn't you advise Chicago police
19 officers, hey, my dad is a police officer, they're
20 beating the hell out of me here, help me?

21 A. I don't recall. And once again that has
22 nothing -- being an Officer's son doesn't mean
23 anything. I don't know where you get -- that
24 doesn't mean anything.

1 Q. For help, why not try it?

2 A. I couldn't tell you.

3 Q. Do you recall ever being either at the
4 Metra station or the Chicago Police Department's
5 station that evening and your dad showing up?

6 A. At the Chicago police station, yes.

7 Q. He showed up?

8 A. It was not that evening. It was the next
9 morning.

10 Q. Okay. Next morning.

11 Do you recall overhearing any of his
12 conversations at the Chicago Police Department?

13 A. No, sir.

14 Q. Okay. It was District 3, right?

15 A. No, sir.

16 Q. District 1?

17 A. Yes, sir.

18 Q. Okay. I mean, everything that had gone on
19 at this point, fair enough that you would have
20 wanted your father to know what was going on at
21 that point in time?

22 A. I had no way of talking to him.

23 Q. I understand that, but my point is you
24 would have wanted him to know if there was a way to
209

1 get ahold of your dad?

2 A. I would let my mother know. I would let
3 my grandmother know what happened to me.

4 Q. No. My question is, at that point in time
5 when you're now under arrest, you've been --
6 according to you you've been beaten, shoved, you've
7 been treated with a level of disrespect. If you
8 had some avenue to let your dad know, you would
9 have wanted him to know things were out of hand
10 here, right?

11 A. Yes, and once again I would let my mom
12 know.

13 Q. I understand that, but I'm talking about
14 your dad.

15 The reason you'd want your dad to know
16 that is because he would respond to that, right?

17 A. No, sir.

18 Q. He would stay at home?

19 A. Oh, you mean respond and come get me?

20 Q. Stop what's going on?

21 A. Yes.

22 Q. I mean, you had no doubt that your father
23 if you could have gotten ahold of him through any
24 avenue would have been at that Metra police station

210

1 as soon as he could, and that would have been the
2 end of this, right?

3 A. I could not tell you. I don't know what
4 would have happened.

5 Q. I'm asking what you believe would have
6 happened. What would have been your expectations
7 of what your father would have done had he known
8 what was going on?

9 A. I don't think that he could have done
10 anything. I was already charged, so it was . . .

11 Q. I'm talking about the physical interaction
12 you were having with the Metra police folks. If
13 you could have said, hey, Dad, I'm down here, these
14 guys have punched me four times in the face, shoved
15 me sown, damn near hit my head on the toilet, do
16 you have any doubt that your dad would have been at
17 that Metra station knowing his son's in harm's way?

18 A. And a bunch of other people would have
19 been at the Metra station. It could have anyone.
20 If you were -- say, you were my uncle, you would
21 have been there, too.

22 Q. I'm just asking about your dad. Was it
23 your expectation your dad would have been there had
24 he known?

1 A. Then I could say my mom would have been
2 there if she known. My grandma would have been
3 there. My sister would have been there. I can go
4 down the line.

5 Q. I'm just talking about your dad.

6 A. Because what happened to me was wrong. If
7 it happened to you, you would have wanted a bunch
8 of people there too.

9 Q. I just want to know at that time and place
10 if you could have gotten a communication to your
11 father that things were out of control at the Metra
12 Police Department that you have any doubt your
13 expectation would be your dad would show up, and
14 this would have ended, fair enough? Your dad --

15 A. What would have ended? What was --

16 Q. What was going on to you?

17 A. Like he would have got me out of there?

18 Q. He would have showed up as your father,
19 and that conduct of the Metra police officers
20 you're talking about would have ended. He would
21 have gotten you released. It would have been done?

22 A. He threw me down. Collins threw me down.
23 That was the last time they ever attacked me. So
24 the phone call -- like it was too late, you know.

1 Q. Well, you didn't know they were done,
2 right? I mean, they didn't say, this is --

3 A. I'm assuming they were going to let me
4 call. I would have called 911 first because they
5 would have been there quicker from where my dad
6 lives from up north. I would have called 911.

7 Q. Okay. So if you had your choice the
8 number you would have called would have been 911?

9 A. Yes, sir.

10 Q. Okay. Who did you speak to the next
11 morning? Your dad got you out, right?

12 A. Yes, sir.

13 Q. Who did you speak to that day, Ryan Ames?

14 A. I do not recall.

15 Q. How about Ryan Miskowits?

16 A. I do not recall. Any names you're going
17 to say I do not recall who I talked to. It was
18 hectic. I don't recall the next day. I remember
19 everything that happened that night. The next day
20 I don't know how many times I went to the washroom.
21 I don't know how many times I brushed my teeth. I
22 don't know anyone I talked to.

23 Q. I'm not asking about that. I'm asking you
24 pretty specifically about who you spoke to the next

213

1 day of the events, and I think we talked in the
2 other deposition that you spoke with Ryan Ames the
3 next day?

4 A. If I said that, then yes, then I talked to
5 him.

6 Q. --Do you know that Ryan had spoken to your
7 mom and your father who were looking for you? Do
8 you know that?

9 A. If I answered that before, then yes, but
10 as of today --

11 Q. I don't know if you did or not. I don't
12 know if they got this far or not. I want to know
13 if you know that both your mother and father called
14 Ryan Ames because they were looking for you?

15 A. I don't recall.

16 Q. Do you know that -- strike that.

17 Did you ever tell Ryan Ames the next day
18 that you were in big trouble over this?

19 A. I do not recall.

20 Q. Were there any repercussions from your dad
21 to you over this event?

22 A. I do not recall.

23 -- Q. Anything from the Bears game to the
24 incident on the street, to the incident with Metra

214

1 Police Department, did you receive any discipline
2 from either your mother or your father, any
3 reprimand, any discipline or repercussions at all
4 for the events of August 30, 2007?

5 A. I do not recall, and I was the victim.

6 Q. I understand.

7 A. So I don't recall.

8 Q. If you did get disciplined in some form or
9 fashion, is that something you think you would
10 recall?

11 A. Couldn't tell you.

12 Q. Do you recall talking with any of your
13 friends the next day or in the week that followed
14 in talking to them about the events of August 30,
15 2007?

16 A. No, sir.

17 Q. All right. If your friend Ryan Miskowits
18 said he talked to you, would you have any reason to
19 disagree with that?

20 A. It's his word. I don't know. I'm not
21 going to call him a liar if you talk to him or not.
22 I just don't recall if I talked to him.

23 Q. When's the last time you spoke to Ryan
24 Ames about these events?

1 A. I cannot recall.

2 Q. You said earlier in your dep that you knew
3 that we talked to Ryan Ames?

4 A. Yes.

5 Q. How did you know that?

6 A. I do not recall.

7 Q. But you recall in this deposition you
8 said --

9 A. Yes.

10 Q. -- I know you guys talked to him?

11 A. Yes.

12 Q. And you don't know how you know that?

13 A. I know exactly how I know that.

14 Q. Okay. Good.

15 A. Because a private investigator came to my
16 house looking for my dad and told me that -- I
17 knew. I knew and then you guys -- you guys got
18 Denise Bilski, too. I knew these things. The
19 private investigator like, you know, he wasn't that
20 private about things, so . . .

21 Q. Okay. So he told you that he had talked
22 to your friend Ryan and your girlfriend Denise?

23 A. He never told me he talked to Denise. He
24 was asking where I could find Denise, and I found

1 out through her.

2 Q. The next day when did you go to Swedish
3 Covenant for medical care?

4 A. It's in the records.

5 Q. I don't have the records. That's my
6 problem?

7 A. I don't recall.

8 Q. Do you recall if it was later on in the
9 day, that evening?

10 A. Afternoon maybe, I don't recall.

11 Q. Who took you?

12 A. My mother.

13 Q. Okay. Any reason your dad didn't take
14 you?

15 A. I don't recall.

16 Q. Did you show him your injuries when you
17 left the police station that day?

18 A. Well, it was visible. Yes, I showed him.

19 Q. Okay. What was his response to the
20 injuries that you showed him?

21 A. I do not recall.

22 Q. What was the nature of the injuries you
23 sought medical treatment for?

24 A. My -- when I was urinating it was very

217

1 painful. I had a huge bruise on my side. And
2 before that when I urinated, it was never painful,
3 and all of a sudden it was.

4 Q. What did they tell you was wrong with your
5 urination?

6 A. I don't recall.

7 Q. Did they give you -- other than the one
8 visit to Swedish Covenant Hospital, did you receive
9 any further medical treatment for any physical
10 injury that you're alleging you sustained on
11 August 30, 2007?

12 A. I do not recall.

13 Q. That's it? That's all you recall is one
14 visit to Swedish Covenant?

15 A. Yes. I don't know if I went anywhere
16 else.

17 MR. KOEHLER: For lack of not having the
18 records; is that your understanding?

19 MR. FITZSIMMONS: It's my understanding.

20 MS. ROSEN: I haven't seen anything else.

21 BY MR. KOEHLER:

22 Q. Did they give you any prescription?

23 A. I do not recall.

24 Q. Okay. Did you go to any stitches?

1 A. I don't recall.

2 Q. Did you get any x-rays or MRIs or any
3 diagnostic tests while you were at Swedish Covenant
4 Hospital?

5 A. I do not recall.

6 Q. Okay. There were some photographs, do you
7 have those, that you produced or your lawyer Joe
8 here produced in discovery.

9 MR. KOEHLER: All right. Joe, there's 12.
10 Take a look at those. You'll see, Joe, there's 12
11 photos there and this one's got 24, 4 by 6
12 glossies. Take look at that and let us know.

13 All right. For the record can we all
14 agree we'll call this Group Exhibit 3, and we'll
15 copy it and staple the cover. You put that on
16 three, and that'll be Group Exhibit 3.

17 (Whereupon, Granberg Deposition
18 Exhibit No. 3 was marked for
19 identification.)

20 MR. KOEHLER: For the record, Group Exhibit 3
21 is a receipt for the processing of 24, 4 by 6
22 photos, and there are 12 attached photos that,
23 Matt, I think you'll agree with me are various
24 photographs taken of you?

1 THE WITNESS: Yes, sir.

2 BY MR. KOEHLER:

3 Q. First, were all those photos taken on the
4 same date?

5 A. I do not recall.

6 Q. Can you tell me when those photographs
7 were taken?

8 A. I do not recall. I know these pictures
9 are in the Swedish Covenant parking lot. Another
10 thing about this, though, what's with this?
11 Another thing how it says there's only 24, this
12 could have been from an old, old thing and --

13 Q. No worries. Regardless --

14 A. There might not just be 12 picture
15 missing. You have the negatives, right?

16 MR. FITZSIMMONS: No. We have the negatives.
17 Matt, if there are negatives, we have the
18 negatives. Those are pictures we supplied to
19 counsel. If there's a problem with them, it's my
20 problem.

21 MR. KOEHLER: No worries.

22 BY MR. KOEHLER:

23 Q. Now, which photographs in Group Exhibit 3
24 are you saying were taken at Swedish Covenant, and

220

1 pull those out?

2 A. See, I cannot recall now. I know this is
3 a building there, but as far as what else goes, I
4 don't know. This is the only thing I know that one
5 building, so I don't know.

6 Q. So if I write SC on here?

7 A. Yeah.

8 Q. We all agree Swedish Covenant, this is a
9 photograph?

10 MR. FITZSIMMONS: Uh-huh.

11 BY MR. KOEHLER:

12 Q. Okay. Where were the other photographs
13 taken, if you recall?

14 A. I do not recall.

15 Q. All right. On the photograph we've marked
16 as SC, Swedish Covenant, who took those
17 photographs?

18 A. My mother.

19 Q. Okay. And do you know the date as you sit
20 here today that those photographs were taken?

21 A. Is there 31 days in August or no?

22 Q. I presume.

23 A. Then August 31, or if there wasn't, it
24 would be September 1.

1 Q. Okay. And do you know where -- I think I
2 asked you, you don't know where the other
3 photographs are taken, correct?

4 A. It might have been Swedish Covenant. I do
5 not know.

6 Q. Do you recall having photographs taken at
7 a different location at a different time?

8 A. I do not recall.

9 Q. All right. The date on the receipt is
10 what, Matt?

11 A. There's no date there. Oh, here it is.
12 9-7, but it doesn't say the year.

13 Q. Presumably those were developed sometime
14 September 7, 2007, presumably, so they were taken
15 sometime before that?

16 A. It could have been, but this might be from
17 a different film thing, so I do not know.

18 Q. Okay.

19 MR. FITZSIMMONS: Just let me interject here,
20 do you recognize that number there? Is that a
21 house number.

22 THE WITNESS: Yeah, I don't recall where that
23 is, though.

24 MR. FITZSIMMONS: Okay.

1 BY MR. KOEHLER:

2 Q. All right. Are you going through those,
3 Matt? Let me take a quick look at this.

4 All right. At any time on the evening of
5 August 30 from the time of the first incident you
6 were involved at Soldier's Field up until the time
7 you were released to your father's custody, did you
8 have access to a mirror?

9 A. I do not recall. That was on August 31.

10 Q. When you were released.

11 Is it fair to say that --

12 A. I was released the next day. I was
13 attacked on August 30.

14 Q. Okay. The first time you saw all of these
15 markings in these photographs was after you were
16 released to your father's custody, and you went
17 home, fair enough?

18 A. No.

19 Q. Okay.

20 A. No, sir. I mean, it's quite obvious when
21 you see it on you, it's not like I need a mirror to
22 look at that wound.

23 Q. Take, for example, the markings on your
24 back?

223

1 A. Yes. I couldn't see that.

2 Q. When did you first see that, after you got
3 home with your dad?

4 A. I don't recall.

5 Q. But it wasn't any time between Soldier's
6 Field and getting released to your father, this
7 would have been afterwards, right?

8 A. Correct.

9 Q. All right. In this photograph that shows
10 a picture of your left arm, what are you trying to
11 depict in this photograph?

12 A. Well, these lines right here that looks
13 awful strange, I mean that's not on there.

14 Q. Is there a purpose for taking the photo,
15 and I'm asking what it is?

16 A. Like cut marks.

17 Q. Okay. You had a Bears jersey on that
18 night, right?

19 A. Yes, sir.

20 Q. And you had a T-shirt underneath?

21 A. I do not recall.

22 Q. And you had khaki pants on?

23 A. Yes, sir.

24 Q. All right. And that's showing a scrape on
224

1 your -- which knee? Is that your right knee?

2 A. I don't -- yes. It looks like that.

3 Q. Okay. And then this photograph I think
4 you said is taken the next day at Swedish Covenant
5 Hospital, correct?

6 A. Looks like a building right by Swedish
7 Covenant.

8 Q. Okay. We marked it SC for that reason.
9 And this is what your face would have looked like
10 after being punched in the face on four separate
11 occasions?

12 A. If you got hit in the face four times, I
13 guess it would look like that.

14 Q. But what I'm trying to say is, you've
15 said, I got struck in the face four times. These
16 are photographs the next day that would accurately
17 depict what your face looked like following those
18 events?

19 A. Yes, sir.

20 Q. All right. Again this last photograph is
21 a photograph of your back. There seems to be a red
22 mark on your back, right?

23 A. Yes, sir.

24 Q. And that you wouldn't have seen until

1 sometime after you were released to custody from
2 your father, correct?

3 A. Right.

4 Q. And this photograph shows a picture of
5 your hip with red marks on it?

6 A. Yes, sir.

7 Q. Is that your hip?

8 A. Yes, sir.

9 Q. And this was bruising. Is this something
10 you noticed on August 31, the bruising?

11 A. Yes, sir.

12 Q. Okay. Who took all these photographs,
13 your mom?

14 A. Yes, sir.

15 Q. Did you then on August 31 spend some time
16 with your mother?

17 A. Yes, sir.

18 Q. Did she come in from Valpo or did you go
19 out to Valpo?

20 A. She came in from Valpo.

21 Q. Did you end up spending the night with
22 her?

23 A. I don't recall.

24 Q. Okay. If you were downtown Chicago and

1 you wanted to get to your mom's place in Valpo,
2 would you take the South Shore?

3 A. Yes, sir.

4 Q. All right. You picked the South Shore up
5 where?

6 A. Well, before the incident or after the
7 incident?

8 Q. I mean, the South Shore you've picked up
9 before downtown?

10 A. Well, before the incident you could get on
11 at Millenium. After the incident I get on all the
12 way on at 18th and Roosevelt -- or Roosevelt, not
13 18th.

14 Q. But prior to August 30, 2007, you had
15 taken the South Shore out of Millennium Park to
16 your mom's place, right?

17 A. Or the next stop after.

18 Q. Okay. All right. Did you ever talk to
19 your father about the events of that night from the
20 Soldier's Field altercation to the altercation with
21 Debra Coleman to the altercation with the guy with
22 the board to the two officers; and did you have a
23 discussion and spell all this out to him?

24 A. I don't recall.

1 Q. Okay. When did you first see Dr. Krupika
2 following this?

3 A. I don't recall.

4 Q. She's produced some records. It looks
5 like you went and saw her on September 5, 2007. Do
6 you recall that?

7 A. I don't recall, but if that's . . .

8 Q. That's what --

9 A. If that's what the record shows, then yes.

10 Q. Then it shows September 11, 2007, another
11 on September 18, 2007. Does that sound about right
12 to you?

13 A. Yes, sir.

14 Q. Is that the only three times that you've
15 seen Dr. Krupika since this event?

16 A. I don't recall.

17 Q. All right. She has down 9-25 and
18 October 2, both of those appointments were
19 cancelled. Do you remember cancelling some
20 appointments with her?

21 A. I don't recall.

22 Q. All right. Can you tell me if you've seen
23 Dr. Krupika since September 18, 2007?

24 A. I don't recall.

1 Q. When's the last time you recall seeing
2 her?

3 A. I couldn't tell you.

4 Q. This year, 2010?

5 A. No, sir.

6 Q. 2009?

7 A. I don't recall.

8 Q. Well, I'm going to presume that you
9 haven't seen her since this last entry because if
10 she's produced all the records, she's got records
11 of when you went, I'm going to presume --

12 A. Then that's the last time.

13 Q. I don't have any reason --

14 A. I could not tell you. I don't recall.

15 Q. Is it possible that the last time you saw
16 her was September 18, 2007?

17 A. It's possible. But then again I don't
18 know.

19 Q. Have you treated with anybody else for any
20 mental health concerns other than Dr. Krupika?

21 A. No, sir.

22 Q. All right. You were seeing Dr. Krupika
23 for some issues or struggles you were having with
24 the events of August 30, 2007, right?

1 A. Yes, sir.

2 Q. Why don't you tell me what your struggling
3 with, what was going on at that point?

4 A. What was going on at the point?

5 Q. Yeah, the reason you sought treatment from
6 Dr. Krupika?

7 A. I don't recall what the exact reasons
8 were, but if you want to recall what I did
9 different in my life after those events, you can
10 ask me that one. I don't recall what I talked to
11 her about at all.

12 Q. Did you seek treatment from Dr. Krupika as
13 a result of the events of August 30, 2007?

14 A. Yes, sir.

15 Q. All right. And what was the nature of the
16 treatment you sought?

17 A. I don't recall.

18 Q. Did she prescribe any medicine for you?

19 A. I answered earlier. I've never taken
20 medication.

21 Q. That's right.

22 You testified in your first deposition
23 that at the Bears stadium when this event happened

24 you feared for your safety because of this guy. Do
230

1 you recall that?

2 A. What guy?

3 Q. The guy that attacked you at the --

4 A. The Bears game.

5 Q. Yeah. Do you remember talking about that?

6 A. Yes.

7 Q. And you told us today that Debra Coleman
8 made you fear for your life, you thought she was
9 trying to kill you, correct?

10 A. And two other individuals with her and
11 Officer Kimble made me fear for my life, yes.

12 Q. I'm getting there.

13 So when you left the Bears stadium you had
14 feared for your safety from that guy, right?
15 That's what you told us in your first dep?

16 A. Then it's already answered, yes.

17 Q. Second, Debra Coleman and the person she
18 was with, you feared for your life, right? Third
19 is the gentleman who --

20 A. Fourth.

21 Q. Fourth person who approached you with the
22 stick that you were able to avoid, you feared that
23 he was trying to kill you, right?

24 A. Yes, sir.

231

1 Q. And then Officer Kimble, before you knew
2 he was a police officer, you thought he was another
3 person trying to in on the murder attempt, right?

4 A. Well, the guy at the Bears game, I don't
5 recall what -- I don't believe he was trying to
6 kill me; but four people, Debra Coleman, two people
7 she was with and Officer Kimble I believe they were
8 trying to kill me.

9 Q. What you told us in your first dep, and
10 I'm -- you said you feared for your safety. That
11 was the words you used; is that a fair assessment?

12 A. Yeah. If you were in an altercation, you
13 would fear, too.

14 Q. All right. So in that evening there was a
15 lot of traumatic events that happened to you?

16 A. Yes, sir.

17 Q. All right. And did you believe
18 Officer Collins was going to kill you or was he
19 just being out of line in your opinion with the way
20 he was treating?

21 A. He was out of line.

22 Q. Same with Officer Kimble, once you
23 realized he was a police officer and wasn't a part
24 of this group?

1 A. He was being out of line.

2 Q. So in terms of the ranking of events, the
3 actual fear for your life came from Debra Coleman,
4 the guy with the board and Debra Coleman, those
5 three people you thought were going to kill you?

6 A. And Officer Kimble.

7 Q. For the period of time you didn't realize
8 he was an Officer, you thought he was trying to get
9 you and kill you?

10 A. Yes. Then once I was locked up, I had
11 some more fears.

12 Q. Right.

13 A. And do you want me to tell you the other
14 fears?

15 Q. Yes.

16 A. Fear that I was going to get raped. I
17 don't know. I was cuffed and, you know, they could
18 do anything to me.

19 Q. Who?

20 A. The police officers, Metra.

21 Q. All right. You weren't in the room with
22 anybody else?

23 A. No, but I was down there by myself in a
24 small cell.

1 Q. So your fears were that one of these
2 officers -- I take it Officer Collins or
3 Officer Kimble, you feared one them may rape you?

4 A. Or you could go with Geanes is the name.

5 Q. What did he do to think that he may be a
6 violent type?

7 A. Well, he never attacked me, but he's also
8 with them.

9 Q. How about the Chicago Police Department,
10 those two guys, they were with them, too?

11 A. They were only there for a little bit.

12 Q. What about the paramedics, they were
13 there?

14 A. Yeah, but they never saw me. The
15 paramedics never saw me. So who knows if they even
16 knew I was sitting in there.

17 Q. When did you find out Debra Coleman
18 actually filed a complaint against you?

19 A. Once I was getting charged with battery --

20 Q. And resisting arrest?

21 A. Yes.

22 Q. You appeared in court for that?

23 A. Yes, sir.

24 Q. All right. And I read the transcript on

234

1 that. What happened in court is Debra Coleman
2 didn't show up; is that right?

3 A. Correct.

4 Q. All right. And because she didn't show
5 up, those charges were dismissed?

6 A. Correct.

7 Q. All right. So whether or not those
8 charges could have been proven or disproved, either
9 way, we'll never know because Debra Coleman never
10 showed, right?

11 A. Correct.

12 Q. I think if I read the transcript correct,
13 the judge kind of told you that you should listen
14 to your dad more; and you'd be in the courtroom
15 less, he said something like that, right?

16 A. I don't know.

17 Q. It's in the transcript.

18 Your fear of being raped, what else, walk
19 me

20 A. They could do anything. If not rape, they
21 could have put me in a car, taken me, you know, and
22 killed my. Anything could happen.

23 Q. Did you really believe that's what they
24 were going to do versus simply being out of line to
235

1 rough you up?

2 A. Yes.

3 Q. So you thought they were now going to take
4 you in a car, kill you and dump your body?

5 A. They could do anything to me.

6 Q. I understand. I want to know what was the
7 reasonable belief you had.

8 A. One reason I was white. Another reason
9 they believed that I was -- the way I took it that
10 they treated me like I was a Ku Klux Klan member.
11 That's the way I took it, and . . .

12 Q. Do you think they were prejudice?

13 A. Absolutely.

14 Q. Okay.

15 A. Now, with Geanes, I don't know, he never
16 hit me, so I just, I don't know, I can't answer on
17 him; but the other two, absolutely, they were, yes.

18 Q. What other fears that you had as a result
19 of all of this?

20 A. Well, I just stated those were two of the,
21 you know . . .

22 Q. Okay. How about afterwards, after you got
23 out of the jail?

24 A. After I got out of jail?

1 Q. Uh-huh.

2 A. I couldn't go -- I didn't go anywhere near
3 there. I didn't even ride on a Metra train
4 anymore.

5 Q. How often had you ridden on a Metra train
6 prior to this?

7 A. A number of times. I worked at UPS, so I
8 took the Metra from Edgebrook to Northbrook, so a
9 number of times.

10 Q. What was your fear about riding a Metra
11 train as a result of the incident that happened on
12 August 30?

13 A. Well, they're Metra police officers, and
14 they I've seen them on the train before.

15 Q. Okay.

16 A. So I was thinking what if I ran into them,
17 what could have happen now.

18 Q. Okay. And do you have fears about running
19 into Debra Coleman?

20 A. I have fear on any person that's downtown
21 now. I don't come down here a lot.

22 Q. Okay. But the reason on that is it in
23 part for your altercation with Debra Coleman, her
24 acquaintance and the gentleman with the board,

237

1 right?

2 A. That I don't come downtown.

3 Q. Yeah, that's part of it?

4 A. And because of Officer Kimble and Collins.

5 Q. Right.

6 A. I don't come down here. I try to stay
7 away from here.

8 Q. There's a host of reasons you try to stay
9 out of downtown, right?

10 A. Yes.

11 Q. Have you been to a Bears game since that
12 day?

13 A. No, sir.

14 Q. Okay. Do you ever worry about running
15 into that guy that you had the altercation with at
16 the Bears game?

17 A. No, sir.

18 Q. Do you think he'd recognize you?

19 A. Well, do I --

20 Q. As of three days ago, maybe not.

21 A. No. I don't have long hair anymore.

22 That's like, you know, little high school, past
23 high school thing. I don't do that anymore.

24 Q. If you did have that same hairdo, do you

238

1 think that guy would recognize you, could?

2 A. He might. I don't know if he -- I don't
3 know if he could recognize me or not.

4 Q. Okay. Does at that bother you?

5 A. That he would recognize me?

6 Q. That there's a guy out there that could
7 that you had an altercation with?

8 A. I don't think he's trying to kill me. I
9 mean, I don't -- I doubt he -- I mean, once again,
10 I look very different from there.

11 Q. Because you look different, you are not as
12 concerned with the guy from Soldier's Field because
13 you look different today. You've shaved your hair,
14 fair enough?

15 A. Yes, and I don't know anything about that
16 guy. All right. I mean, that was a very minor
17 thing, and so I doubt the guy even takes it
18 serious. I couldn't tell you if he does take it
19 serious.

20 Q. He's out there, though?

21 A. He's out there.

22 Q. And he attacked you unprovoked for no
23 reason?

24 A. Yes, sir.

1 Q. And he's probably out there somewhere?

2 A. But once again this is also at a Bears
3 game. I don't believe the guy was trying to kill
4 me at all. He was not trying to kill me at a Bears
5 game.

6 Q. Tried to rough you up a little bit?

7 A. It's different than walking around the d
8 city streets.

9 Q. When you see homeless people, does it
10 create anxiety for you?

11 A. Absolutely.

12 Q. Okay. Do you have anxiety when you see
13 black people?

14 A. No.

15 Q. Okay. When you see a police officer of
16 any sort do you have anxiety?

17 A. Yes.

18 Q. Okay. Doesn't matter if they're white,
19 black or anything else?

20 A. Only if they're Metra police officers.

21 Q. The Metra police officers concern you?

22 A. Absolutely.

23 Q. Do you now understand the Metra police
24 officer to have full police authority, the same as

240

1 a Chicago police officer?

2 A. I don't know.

3 Q. Don't know, okay.

4 Did Dr. Krupika ever give you a diagnosis
5 of anything of any sorts?

6 A. I don't recall.

7 Q. Okay.

8 A. If it's out there, I don't know.

9 Q. Okay. You're certainly not treating today
10 for any of your ailments from August 30, 2007?

11 A. I haven't been to treatment, no; but it
12 still affects me.

13 Q. How does it still affect you?

14 A. As I said earlier I don't come down here.
15 You know, I don't come down here unless I have to
16 come down here to do this. I try to stay away from
17 downtown.

18 Q. So downtown scares you?

19 A. Yes.

20 Q. Okay. After the August 30, 2007, event
21 when was the next time that you ever saw Haven?

22 A. I never saw her after that.

23 Q. Okay. Kind of unique name, Haven?

24 A. Yes, sir.

1 Q. Not a lot of Havens out there.

2 Okay. What anxiety, if anything, do you
3 have with public transportation? Is it just Metra
4 or all public transportation now?

5 A. Well, I read in the '70s and '80s that
6 there was a ton of girls getting raped, and people
7 got murdered on the train and that's why they put a
8 lot of police officers on the train. So it's a
9 dangerous thing to take the train.

10 Q. What's dangerous about taking the train?

11 A. You could get attacked.

12 Q. Well, you were attacked?

13 A. Robbed.

14 Q. Well, you were attacked by Coleman and
15 those folks, and that wasn't on the train?

16 A. Well, no, it wasn't on a train, so . . .

17 Q. Okay. So fair enough that those events
18 can happen almost everywhere?

19 A. It's a bad world. Anything can happen.

20 Q. Sure, anywhere.

21 A. Anything can happen anywhere. You could
22 be in the nicest lowest crime area in the world,
23 and something can happen.

24 Q. Have you ever talked with anybody at the

242

1 Chicago Police Department about these events other
2 than your father?

3 A. No, sir.

4 Q. Other than this event with the Metra
5 Police Department, have you had any other bad
6 experience or improper experiences with people of
7 authority?

8 A. No, sir.

9 Q. Okay. Your intent at this point is to get
10 your associate's degree, right, and go off to a
11 four-year college, right?

12 A. Yes, sir.

13 Q. Okay. Do you have any specialized
14 interest of what you're trying to -- from a degree
15 standpoint?

16 A. It's up for grabs. I've got of a few
17 things I'd like to do.

18 Q. What are you thinking?

19 A. Sports announcer would be cool.

20 Q. Okay?

21 A. Maybe a fireman or a police officer.

22 Q. Okay. Are you a member of Facebook,
23 Myspace, any of those great things out there?

24 A. No, sir.

1 Q. Okay. I think I'm --

2 MR. FITZSIMMONS: Are you going to use the
3 magic word done.

4 MR. KOEHLER: Close. The magic word is right.
5 That's why you don't do deps on Friday. That's my
6 fault, my schedule.

7 BY MR. KOEHLER:

8 Q. Is it fair to say you don't know what
9 Debra Coleman told the Metra police officers as to
10 what occurred between you and her that evening?

11 A. Correct, but I assume she said I attacked
12 her if I got charged with that.

13 Q. Okay. You were charged that evening by
14 Officer Kimble?

15 A. I do not recall.

16 Q. Okay. The arrest and placement in the
17 cell and the handcuffing was done by Officer Kimble
18 and Officer Collins, correct?

19 A. I stayed -- once Officer Kimble cuffed me
20 from the time from Garland Court, I was cuffed the
21 whole time.

22 Q. All right. But my point is Officer Geanes
23 had nothing do with that?

24 A. He had nothing do with that.

244

1 Q. All right.

2 MR. KOEHLER: Do you have questions? I may
3 have stuff to follow up on.

4 MS. ROSEN: Okay. Yeah.

5 EXAMINATION

6 BY MS. ROSEN:

7 Q. Does your dad still have tickets to
8 Soldier'S Field to the Bears games?

9 A. No. No, ma'am.

10 Q. When did he give them up?

11 A. I do not recall.

12 Q. Okay. Is that why you don't go to the
13 Bears games anymore?

14 A. Absolutely not.

15 Q. I wanted to go back, Matthew. You talked
16 about the time that you were handcuffed, you're in
17 the cell; and I think you said Collins pushed you
18 down on the ground. Do you remember that?

19 A. Yes.

20 Q. You said your foot was -- or let me get
21 this straight.

22 Your foot was also chained, cuffed to --

23 A. My ankle.

24 Q. Your ankle?

245

1 A. Yes, yes.

2 Q. And then your hands were behind your back?

3 A. Yes.

4 Q. And you were cuffed?

5 A. Yes.

6 Q. And you said it was Collins who came and

7 pushed you?

8 A. Yes.

9 Q. The cuff that was around your ankle, was
10 it on top of your pants or under your pants? Do
11 you remember?

12 A. I believe on top of my pants, over my
13 khakis.

14 Q. And then when he came to push you to the
15 ground, were you standing or sitting?

16 A. I was standing.

17 Q. You were standing facing him?

18 A. Yes.

19 Q. Why were you standing?

20 A. Well, all right. I was cuffed. My back's
21 there. There's the door.

22 Q. Right.

23 A. Here I move over, get up. My one ankle is
24 cuffed, so I could still move around. There's a

1 bar, so I can move a little bit. I see the police
2 are there. I kick the door. It opens the door. I
3 said, I want to talk to the real police; and then
4 he threw me down.

5 Q. When you say, they you mean Collins?

6 A. No, the Chicago Police Department. I seen
7 them and Collins opened the door and I said, I want
8 to talk to the real police. He threw me down.

9 Q. When you hit the ground what part of your
10 body hit the ground first?

11 A. Well, my back. I fell back. I don't
12 know.

13 Q. Did your head hit the ground?

14 A. I don't recall.

15 Q. Did your back hit the ground?

16 A. Yes. I fell, I mean, I don't -- my back
17 obviously hit the ground. I fell back. I hit the
18 ground.

19 Q. Hands cuffed behind your back?

20 A. Yes.

21 Q. Basically what happened is since your foot
22 was cuffed, you went straight down like that,
23 right?

24 A. I fell back and pulled back, boom, ankle

247

1 was cuffed.

2 Q. Did you say your head didn't hit the
3 ground?

4 A. I don't know if it did or not.

5 Q. Could have.

6 A. Could have.

7 Q. But you don't remember?

8 A. I don't recall.

9 Q. Ground was what, like concrete?

10 A. Yes.

11 Q. You said there was a toilet in the -- in
12 that little cell?

13 A. Yes.

14 Q. Did you ever use the toilet?

15 A. I don't recall. Whatever if I answered
16 this on the last deposition, so . . .

17 Q. Do you remember one way or the other
18 whether you ever used the toilet?

19 A. I don't recall.

20 Q. Do you remember one way or the other
21 whether you ever had to use the toilet?

22 A. Well, yes. I was in there for quite some
23 time, so . . .

24 Q. Okay.

1 A. Most likely it would fit, my bladder would
2 have filled up by then; and I probably would have
3 had to use the washroom.

4 Q. Well, you didn't urinate on yourself, did
5 you?

6 A. I answered this on the last deposition,
7 so

8 Q. You didn't --

9 A. Whatever I said.

10 Q. I just want to know what you remember
11 today because I don't remember seeing it in your
12 deposition.

13 A. If I urinated on myself?

14 Q. Did you or didn't you?

15 A. I don't recall.

16 Q. You don't remember whether you urinated on
17 yourself or urinated on the floor?

18 A. I don't recall.

19 Q. Okay. When you arrived at the Chicago
20 police station, did you have any obvious pain?

21 A. I don't recall.

22 Q. When you arrived at the Chicago police
23 station, did you have any obvious injury?

24 A. I couldn't see. My pants were still on

1 me, so I couldn't see. And I don't recall.

2 Q. What if someone was looking at you, did
3 you have any of obvious injury?

4 A. I don't recall.

5 Q. When you got to the Chicago Police
6 Department, did you tell anyone there that -- what
7 happened to you with these Metra officers?

8 A. I don't recall.

9 Q. Let me just go back a little bit because
10 you talked a lot about Kimble and Collins, and it
11 sounds like Geanes was the least involved of the
12 three; is that a fair statement?

13 A. Correct.

14 Q. Is there anything else that you want to
15 tell me about that Geanes did that you think was
16 wrong?

17 A. I couldn't tell you.

18 Q. Okay. Do you think that you have told me
19 everything about what Geanes did in the course of
20 this deposition or the last deposition?

21 A. Yes.

22 Q. Matthew, can I ask you whose idea was it
23 to file a lawsuit? Was it yours or your parents'?

24 MR. FITZSIMMONS: Objection. I'm going to

250

1 instruct him not to answer.

2 MR. KOEHLER: On what basis?

3 MR. FITZSIMMONS: That is attorney/client
4 privilege.

5 MS. ROSEN: It's not attorney/client privilege.
6 I want to know whether he decided --

7 MR. FITZSIMMONS: I'm going to object and
8 direct him not to answer. You can get the judge to
9 make a ruling.

10 I'm directing you not to answer that
11 question.

12 BY MS. ROSEN:

13 Q. How about this, Matthew, prior to the time
14 that you ever had contact with Mr. FitzSimmons or
15 anybody from his firm, did you think you wanted to
16 file a lawsuit or was that something that you spoke
17 with your parents about?

18 MR. FITZSIMMONS: I'm going to direct him not
19 to answer that question.

20 Do not answer that question.

21 MR. KOEHLER: What's the basis?

22 MS. ROSEN: What's the basis?

23 MR. FITZSIMMONS: Basis is the same thing, goes
24 into attorney/client privilege.

251

1 MS. ROSEN: Well, I'm asking him to tell me
2 what -- when the decision was made and whether he
3 made any decision prior to seeing you.

4 MR. FITZSIMMONS: And I'm going to direct him
5 not answer any questions that are in this line,
6 Sue-Ann.

7 BY MS. ROSEN:

8 Q. Other than meeting with Mr. FitzSimmons on
9 this case did you talk to any other attorney with
10 respect to what happened to you?

11 MR. FITZSIMMONS: And again --

12 MS. ROSEN: On August 30, 2007.

13 MR. FITZSIMMONS: That's classic
14 attorney/client privilege.

15 MR. KOEHLER: Not the conversation, just the
16 fact of it.

17 MS. ROSEN: Just whether he walked into an
18 office or got onto a phone. I don't want you to
19 tell me what you said. I just want to know if you
20 talked to any other attorney other than Mr.
21 FitzSimmons.

22 THE WITNESS: I don't recall.

23 BY MS. ROSEN:

24 Q. Now, I understand that Mr. FitzSimmons is

252

1 a friend of your family; is that correct?

2 A. Yes.

3 Q. How long have you known him before this
4 incident of August 30, 2007?

5 MR. FITZSIMMONS: This is -- yeah. This is
6 going over board, Miss Rosen. I'm going to direct
7 him not to answer that question as to his
8 relationship with his attorney.

9 BY MS. ROSEN:

10 Q. Other than this incident, Matthew, it's my
11 understanding that you have not had any other legal
12 situations with respect to either criminal law or
13 civil law; is that right?

14 A. When I was young the motorcycle blew up in
15 front of my face, it was a toy motorcycle blew up
16 in my face. That's the only lawsuit that's ever
17 gone down.

18 Q. Okay. So you had a lawsuit with respect
19 to that?

20 A. Yeah, but I was like 4 years old.

21 Q. Okay. You said that your father picked
22 you up from the police station, right?

23 A. Correct.

24 Q. And then where did you go?

1 A. Home.

2 Q. To his home?

3 A. To my home.

4 Q. On Nottingham?

5 A. Yes.

6 Q. And was your mother there at the time?

7 A. No, ma'am.

8 Q. Okay. Your mother came sometime later to
9 that house?

10 A. Yes, ma'am.

11 Q. Now, I think if I remember this correctly,
12 you didn't go to the hospital until late in the
13 afternoon maybe around 5:00 in the late afternoon
14 on August 31. Does that sound right?

15 A. I couldn't tell you.

16 Q. Okay. You would have to depend upon what
17 the records show, right?

18 A. Yes.

19 Q. Why didn't you go to the hospital before
20 then?

21 A. Couldn't tell you.

22 Q. Did you see any reason to go to the
23 hospital before then?

24 A. I don't believe my -- the urinating really

254